

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

RICHARD HENDERSON,

Plaintiff,

v.

Case No. 3:21-cv-00255

NESMETAJU, LLC and MARKETING
LABS, LLC, d/b/a
BRIGHTENLOANS.COM,
THELENDSOURCE.COM and
RUSHINLOANS.COM

Defendants.

NOTICE OF PRE-RULE 12(B) MOTION LETTER

Defendant Marketing Labs, LLC (“Defendant”), through its undersigned counsel, hereby respectfully notifies the Court that, pursuant to Rule 6 of the Galveston District Court Rules of Civil Practice (the “Galveston Rules”),¹ Defendant has sent Plaintiff, through his counsel, as of the date of this notice a letter notifying Plaintiff that Defendant intends to move to dismiss Plaintiff’s Second Amended Complaint (Dkt. 13, “SAC”) under Rule 12(b) of the Federal Rules of Civil Procedure, stating the basis for Defendant’s anticipated motion, and informing Plaintiff of the right to amend his pleading within 14 days of the letter. Per Rule 6 of the Galveston Rules, therefore, Defendant’s letter satisfies its deadline to file a response to the SAC (*see* Dkt. 18).²

¹ See <https://www.txs.uscourts.gov/sites/txs/files/GalvestonDistrictCourtRulesofPractice.pdf>.

² The SAC conflates Marketing Labs, LLC and Nesmetaju, LLC, which are separate and distinct legal entities, as “Defendants”; and Plaintiff requested summonses for both named defendants, which incorrectly list these entities as having the same business address. *See* Dkts. 14 and 14-1. Yet, the return of service Plaintiff filed (*see* Dkt. 16) only reflects service on Marketing Labs, LLC. While Defendant does not concede either entity has been properly served or named in this matter or are liable, and without waiving any objections or arguments thereto, this notice and Defendant’s anticipated motion should be understood as applying to all named “defendants” in this case to the extent Plaintiff contends Nesmetaju, LLC has also been served (which is disputed).

Dated: March 11, 2022

Respectfully submitted,

By: /s/ Richard S. Hartunian

Richard S. Hartunian (SD TX Bar No. 3596630)
Christine M. Reilly (admission to be requested)
A. Paul Heeringa (*pro hac vice* application
pending)

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on March 11, 2022, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic docket.

/s/ Richard S. Hartunian

Richard S. Hartunian